

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kevin Nicholas	Team: Team # 8	CCRB Case #: 200511248	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 09/17/2005 8:55 PM	Location of Incident: NE C/O Northern Blvd. and 58th Street	Precinct: 108	18 Mo. SOL 3/17/2007	EO SOL 3/17/2007	
Date/Time CV Reported Mon, 09/19/2005 1:57 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 09/22/2005 11:22 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Frank Altieri	12774	923499	114 PCT
2. POM Mario Moreno	26779	936054	114 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Robert Gibson	03478	915788	114 PCT
2. POF Jennifer Coelho	09356	934658	114 PCT
3. CPT Henry Yaeger	00000	898791	110 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Mario Moreno	Abuse: PO Mario Moreno threatened § 87(2)(b) with the use of force.	[REDACTED]
B.POM Frank Altieri	Discourtesy: PO Frank Altieri spoke obscenely and rudely to § 87(2)(b)	[REDACTED]
C.POM Frank Altieri	Force: PO Frank Altieri used physical force against § 87(2)(b)	[REDACTED]

Synopsis

On September 17, 2005 at approximately 8:55 PM, § 87(2)(b) and his girlfriend, § 87(2)(b) were traveling in a cab when the cabdriver got in an accident at the corner of Northern Boulevard and 55th Street in Queens. § 87(2)(b) and § 87(2)(b) exited the cab and decided to run away. Some time later, they were both apprehended by PO Altieri and PO Moreno and brought back to the accident scene. While at the scene of the accident, § 87(2)(b) asked PO Moreno to open the RMP windows and PO Moreno refused. § 87(2)(b) threatened to kick out the RMP window and PO Moreno subsequently threatened him with force (allegation A). Shortly thereafter, § 87(2)(b) did kick out the RMP window. PO Altieri approached and addressed § 87(2)(b) with profanity (allegation B). PO Altieri then pulled § 87(2)(b) out of the vehicle through the broken window and pushed § 87(2)(b) head into the ground and broken glass (allegation C). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Summary of Complaint

§ 87(2)(b) a 5'10", 180-pound, § 87(2)(b)-old white male with brown hair, was interviewed at the CCRB on March 3, 2006 (encl. 7 A-D). He also provided a statement to medical personnel at § 87(2)(b) on § 87(2)(b) (encl. 27 A-X). His chief complaint was "req for methadone/xanax." He complained of headache and withdrawal from methadone and Xanax. He denied alcohol and cocaine use. He stated he was in the backseat of vehicle that was in an accident and complained of head and neck pain. He said he was fine after the accident but some time later a police officer beat him up and hit his head against the floor.

On September 17, 2005 at approximately 8:55 PM, § 87(2)(b) and his girlfriend, § 87(2)(b) left his mother's house at § 87(2)(b) and hailed a black Lincoln Towncar gypsy cab. § 87(2)(b) had used heroin in the past 24-48 hours and might have smoked marijuana and was experiencing methadone withdrawal symptoms. They told the gypsy cab driver he wanted to go buy heroin in Harlem; the driver replied he knew that location and wanted some heroin as well. Shortly thereafter, the driver got into an accident at the corner of Northern Boulevard and 55th Street. He hit the back of one car and that car hit another car. The cabdriver immediately got out of the vehicle and ran away. § 87(2)(b) who suffered a knot on his head, also decided to run away because he was on parole. While he and § 87(2)(b) walked up Northern Boulevard, § 87(2)(b) asked people in the street to call an ambulance. § 87(2)(b) then gave § 87(2)(b) some money and told her to get a cab and go to the hospital. After they separated, § 87(2)(b) felt like he was going to pass out and decided to rest on the stoop of a building at the corner of 55th Street and 32nd Avenue. Shortly thereafter, two officers arrived in a marked police vehicle. He identified them by name as PO Altieri and PO Moreno. They had § 87(2)(b) handcuffed in the back of their patrol car. The officers asked § 87(2)(b) about the accident and he "played stupid." § 87(2)(b) was handcuffed, placed in the patrol car with § 87(2)(b) and transported to the accident scene.

At the accident scene, PO Altieri exited and spoke to people at the scene – several people were visibly injured. PO Moreno stayed in the patrol car. It was hot outside and the windows inside the patrol car were closed. § 87(2)(b) asked PO Moreno to open the windows so he could get some air. PO Moreno refused although § 87(2)(b) asked PO Moreno "nicely" 5 times and then threatened to break the window. § 87(2)(b) leaned on his right side and kicked the window once with his left leg – it did not break. PO Moreno sarcastically said something like, "You'd better not do that. If you break that window I'm going to break you" (allegation A). § 87(2)(b) kicked the window again and shattered the window. PO Moreno exited and walked around to the driver side. PO Altieri approached and said, "Look at this fucking guy. He kicked the window out. You believe this shit?" PO Altieri called § 87(2)(b) a "fucking piece of shit (allegation B)." While § 87(2)(b) was still resting his head on the door panel, PO Altieri put a hand under § 87(2)(b) chin and a hand behind his head and pulled him slightly out of window. Simultaneously, § 87(2)(b) pushed with his feet against the floor of the patrol car so that he moved in the same direction. With one hand still under § 87(2)(b) chin, PO Altieri put the other hand on § 87(2)(b) handcuffs and completely pulled § 87(2)(b) through the broken window (allegation C). § 87(2)(b) fell to the concrete and broken glass below while facedown. PO Altieri put his knee in § 87(2)(b) back and lifted his arms up by the handcuffs (allegation C). When § 87(2)(b) began screaming, PO Altieri told him to shut up and then began pushing the side of his head into the broken glass and ground below (allegation C). § 87(2)(b) was then put in a straightjacket and transported to § 87(2)(b) in an ambulance. At the hospital, § 87(2)(b) was treated and given pain relievers. § 87(2)(b) was released § 87(2)(b). § 87(2)(b) was interviewed by

several people including Internal Affairs who took photos of his injuries. § 87(2)(b) got a few scratches on his face from the incident and his shoulder still hurt at the time of his CCRB interview.

§ 87(2)(b) denied possessing any drugs at the time of the incident.

Results of Investigation

Civilian Statements

§ 87(2)(b)

§ 87(2)(b), a 5'5", 135-pound, § 87(2)(b)-old white Hispanic female with brown hair, provided an initial phone statement on October 28, 2005 while she was incarcerated at Rikers Island (encl. 6 A). § 87(2)(b), § 87(2)(g)

§ 87(2)(b) never mentioned anything about them traveling in a cab. She added that at one point, when running away, § 87(2)(b) and § 87(2)(b) encountered the police and told them that an accident had occurred further down. After § 87(2)(b) was arrested, PO Altieri told § 87(2)(b) he would "break both his arms."

Subsequent attempts to arrange an in person interview with § 87(2)(b) were not successful. Contact letters were sent to her on January 30, 2006 and February 6, 2006. Phone calls were placed to the number provided for her on June 14, 2006 and July 25, 2006. On July 25, 2006, her mother, § 87(2)(b) answered the phone and stated she had no contact with § 87(2)(b) and had no idea of her whereabouts. On July 26, 2006, § 87(2)(b) stated she believed that § 87(2)(b) was in a rehab clinic on § 87(2)(b). She provided the phone number for § 87(2)(b)'s nephew, § 87(2)(b), and § 87(2)(b)'s ex-husband, § 87(2)(b). When both were contacted that same day, both said they had no idea of § 87(2)(b)'s whereabouts and were not in contact with her. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b)

§ 87(2)(b) who was identified from sprint printout as having called 911 at the time of the accident, provided a phone statement on September 19, 2006 (encl. 9 A).

On September 17, 2005 at approximately 8:55 PM, § 87(2)(b) was traveling along Northern Boulevard in Queens, when she looked in her rearview mirror and saw a dark-colored "old car", approximately 2 car-lengths behind, speeding towards her vehicle. A male and female were inside the vehicle. § 87(2)(b) pulled to the side to avoid being hit. The vehicle sped past and immediately hit the smaller car that had been traveling directly in front of § 87(2)(b). § 87(2)(b) believed that shortly thereafter, the male and female of the dark-colored vehicle ran away. § 87(2)(b) never saw any police arrive and never saw anyone in police custody.

§ 87(2)(b)

§ 87(2)(b), who was identified from the sprint printout as having called 911 at the time of the accident, provided a phone statement on September 19, 2006 (encl. 10 A).

On September 17, 2006 at approximately 8:55 PM, § 87(2)(b) was playing cards at a club on Northern Boulevard when he witnessed an accident involving 3 vehicles. § 87(2)(b) ran out to the street and observed a male, § 87(2)(b) get out of the driver side and female, § 87(2)(b) get out of the passenger side of a black TLC-type car and start running eastbound on Northern Boulevard in the other direction. § 87(2)(b) called 911 because the accident looked bad. § 87(2)(b) then flagged down a police car and identified § 87(2)(b) as having caused the accident. The officers then left and returned shortly thereafter with § 87(2)(b) and § 87(2)(b) in custody.

Some time later, § 87(2)(b) observed § 87(2)(b) kick out the back driver side window. § 87(2)(b) “was freaking out” - he was loud, screaming and not making any sense. The officers pulled him out of the vehicle and “threw § 87(2)(b) on the ground and there was a bunch of cops on him and they were holding him down because he wouldn’t remain still.” It appeared § 87(2)(b) was “trying to get up and fight back.” § 87(2)(b) later said he could not remember what exactly happened between the time § 87(2)(b) kicked out the window and the time when § 87(2)(b) was on the ground. § 87(2)(b) “could not recall any direct strikes,” such as kicks or punches, but the officers “had to use some force in the situation.” The male “was out of control and definitely needed to be subdued.”

§ 87(2)(b)

§ 87(2)(b), who was identified as a victim in the motor vehicle accident report, provided a phone statement on September 19, 2006 (encl. 11 A).

§ 87(2)(b) was stopped at a red light when a green Ford Explorer hit him at an extremely fast speed and completely demolished his vehicle. § 87(2)(b) later learned that a black Lincoln Towncar had hit the Explorer and had sent the Explorer soaring into his vehicle. When police arrived at the scene, they instructed § 87(2)(b) to stay in his vehicle and asked for his license and registration. He never saw who was in the Towncar. § 87(2)(b) never saw anyone in police custody or having an altercation with the police.

§ 87(2)(b)

§ 87(2)(b), who was identified as a victim in the motor vehicle accident report, provided a phone statement in Spanish to Inv. Keam on September 25, 2006 (encl. 12 A).

§ 87(2)(b) stated he was the primary victim of the accident. § 87(2)(b) hit the front of § 87(2)(b)’s Ford Explorer. The impact destroyed his vehicle and he had to be cut out of his vehicle. § 87(2)(b) said that he heard § 87(2)(b)’s car was stolen. Five cars were involved in the accident. § 87(2)(b) did not see the officers interact with other civilians or arrest § 87(2)(b) or § 87(2)(b) at the scene.

While at the hospital, § 87(2)(b) was yelling “fuck this” and “fuck that” at the officers and the hospital staff.

Officer Statements

PO Moreno

PO Moreno, a 5’10”, 185-pound, § 87(2)(b)-old Hispanic male with black hair, was interviewed at the CCRB on August 1, 2006 (encl. 14 A-C). On September 17, 2005, he worked a 1730x0205 tour and was patrolling sector A with PO Altieri. He was in uniform and assigned to RMP 1843. His memo book entries (encl. 13 A-B) state the following: “2015 Pickup of 10-39, ‘other crime in progress,’ @ 56 St. and Northern Blvd. 2130 10-84, ‘arrived at scene,’ @ § 87(2)(b) w/ prisoner § 87(2)(b)

On September 17, 2005 at 8:55 PM, PO Moreno and PO Altieri were driving down Northern Boulevard near 56th Street when they found § 87(2)(b) and § 87(2)(b) walking up the middle of the street against traffic. When the officers stopped and questioned them, they replied that everything was OK. They did not mention anything at this time about a motor vehicle accident. Very shortly after, the officers found the motor vehicle accident at the corner of Northern Boulevard and 56th Street. In response to information provided by the accident victims and bystanders, the officers proceeded to look for both § 87(2)(b) and § 87(2)(b). They first found § 87(2)(b) attempting to hide by lying down in a dark area in the front of a house on Northern Boulevard. PO Altieri frisked and searched him but recovered no contraband. They found § 87(2)(b) a few houses further down, still walking on the street. PO Altieri frisked and searched her and found a controlled substance in a small bag in her back pocket. § 87(2)(b) claimed that § 87(2)(b) was driving while § 87(2)(b) claimed that § 87(2)(b) was driving. At no point did either claim that a third party was driving their vehicle. The officers arrested § 87(2)(b) and § 87(2)(b) for fleeing the scene of the accident and for the controlled substance found on § 87(2)(b).

They returned to the scene of the accident where they met Sgt. Gibson. Sgt. Gibson told PO Moreno he needed to watch the prisoners in the back of the RMP. Sgt. Gibson and PO Altieri investigated the accident scene to make sure that everyone was OK. EMS was already at the scene. While PO Moreno was in the RMP by himself with § 87(2)(b) and § 87(2)(b), § 87(2)(b) began complaining about an asthma condition – he said he couldn’t breathe. § 87(2)(b) asked PO Moreno to open the windows in the RMP. In response, PO Moreno opened the window on the cage and turned the air conditioning on inside the RMP so that air could circulate to the back of the RMP. Shortly thereafter, § 87(2)(b) became belligerent and told PO Moreno that he would kick the window out because he couldn’t breathe. PO Moreno told him to not do that and that EMS would be helping him shortly. PO Moreno never threatened § 87(2)(b) with force if he kicked out the window. PO Moreno never told § 87(2)(b) “If you break that window I’m going to break you.”

§ 87(2)(b) persisted and kicked the back driver side window 4 or 5 times with both feet. Finally, § 87(2)(b) broke the window open and went headfirst out the window so that half his body was out the window. PO Moreno got out of the RMP, went around to the other side and called for assistance. Sgt. Gibson and PO Altieri immediately responded. PO Moreno believed that PO Altieri did in fact say, “Look at this fucking guy. He kicked the window out. You believe this shit?” PO Moreno could not remember, however, PO Altieri ever saying to § 87(2)(b) “You fucking piece of shit.” The officers told § 87(2)(b) to get back inside the RMP. PO Altieri grabbed § 87(2)(b) and initially tried to push him back in the vehicle by using both hands to push down on § 87(2)(b) shoulders. In response, however, § 87(2)(b) continued trying to push his head out the window. § 87(2)(b) was cursing at the officers, saying, “I want to get out. I want to breathe. You fucking cops. Let me breathe.” § 87(2)(b) was cursing at the officers as well and screaming for help. At that point, PO Altieri grabbed § 87(2)(b) by his shirt near his shoulders and pulled him out the RMP window. Upon doing so, § 87(2)(b) fell to the ground and onto the shards of glass from the broken window. At this point, § 87(2)(b) was considered an EDP. PO Altieri tried to keep § 87(2)(b) on the ground and prevent him from moving. § 87(2)(b) continued screaming and was moving his entire body, particularly his feet. PO Altieri “was trying to gain control... by pushing him against the ground because § 87(2)(b) was trying to get up.” PO Altieri alone was restraining § 87(2)(b). PO Moreno could not remember PO Altieri ever lifting § 87(2)(b) up the handcuffs. EMTs already at the scene immediately placed § 87(2)(b) in an EDP bag. § 87(2)(b) was on the ground for approximately 20 seconds. § 87(2)(b) was then transported to § 87(2)(b) and PO Moreno was assigned to guard § 87(2)(b) at this time. PO Moreno saw small lacerations on § 87(2)(b) face at the hospital that had been caused by the glass. PO Altieri never pushed § 87(2)(b) face down into the glass.

PO Altieri

PO Altieri, a 5’9”, 195-pound, § 87(2)(b)-old Hispanic male with black hair, was interviewed at the CCRB on August 4, 2006 (encl. 21 A-C). § 87(2)(g)

On September 17, 2005, he worked a 1500x2335 tour and was patrolling sectors ACD with PO Moreno. He was in uniform and assigned to a marked patrol vehicle. His memo book entries (encl. 15 A-C) state the following: “10-53, ‘vehicle accident,’ at 55th Street and Northern Boulevard. 2027 2 under. § 87(2) Refuse test @ § 87(2)(b).” PO Altieri stated that this particular job was a pick up. The motor vehicle accident report prepared by PO Altieri (encl. 16 A-F) indicates three people were injured at the scene and five vehicles were involved. The following individuals were listed as vehicle operators: § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b). The following individuals were listed as victims: § 87(2)(b), § 87(2)(b) and § 87(2)(b). The complaint report prepared by PO Altieri (encl. 17 A-B) lists only § 87(2)(b) as an arrest and states that he was observed § 87(2)(b) and had no NYS license. It also states that § 87(2)(b) and that § 87(2)(b) § 87(2)(b)

The arrest report for § 87(2)(b) prepared by PO Altieri (encl. 18 A-C) indicates § 87(2)(b) was charged § 87(2)(b)

. Adding to the complaint report narrative, the arrest narrative states that § 87(2)(b) was in § 87(2)(b)

A search of the RMP after § 87(2)(b) kicked out the window revealed a § 87(2)(b). It adds that § 87(2)(b) § 87(2)(b)

§ 87(2)(b) It mentions that physical force had to be used in order to ‘restrain/control/remove’. It also notes that an officer was injured. The arrest for § 87(2)(b) prepared by PO Altieri (encl. 19 A-B) indicates she was charged § 87(2)(b)

§ 87(2)(b) The narrative states that § 87(2)(b) had § 87(2)(b)

§ 87(2)(b) It notes that cocaine was found in the RMP and that § 87(2)(b) was intoxicated. The property vouchers prepared by PO Altieri (encl. 20 A-C) indicate that pictures were taken of § 87(2)(b) vehicle and that § 87(2)(b) possessed a § 87(2)(b)

PO Altieri stated that at least 4 vehicles were involved in the accident and there was 1 male who was pinned inside his vehicle – his vehicle was later cut in half by ESU. § 87(2)(b) vehicle had been outfitted to be a livery cab. Upon being apprehended, § 87(2)(b) had visible injuries on his face from the accident – PO Altieri could not recall the exact nature of the injuries. § 87(2)(b) actually approached the officers and like § 87(2)(b) appeared visibly intoxicated – her speech was slurred and she was unsteady on her feet. At first, she claimed she was driving the vehicle. After she was placed in handcuffs, she said she wasn’t driving. When § 87(2)(b) and § 87(2)(b) were frisked and searched, no contraband was found. On the way to the accident scene, however, both § 87(2)(b) and § 87(2)(b) made “very fidgety movements” in the rear seat. PO Altieri stopped the vehicle and re-searched both of them. PO Altieri found a package of pills and a gravity knife in § 87(2)(b) pocket. § 87(2)(b) claimed the pills were Xanax but she did not have a prescription for them.

Upon arrival at the accident scene, people at the scene reported that § 87(2)(b) had been speeding and had hit one vehicle with so much force that it was projected an entire block. Some time thereafter, PO Altieri was radioed by PO Moreno to return to the patrol car. Upon arrival, § 87(2)(b) was hanging out the window headfirst so that his entire torso was out the window. PO Altieri ordered § 87(2)(b) to get back into the vehicle. PO Altieri could not recall ever saying, “Look at this fucking guy. He kicked the window out. You believe this shit?” PO Altieri never called § 87(2)(b) “a fucking piece of shit.” PO Altieri could not recall using profanity and was certain that he never directed any curses towards § 87(2)(b). § 87(2)(b) was screaming and acting irrational. § 87(2)(b) refused to get back inside and PO Altieri tried to push § 87(2)(b) back with both hands on § 87(2)(b) shoulders. § 87(2)(b) began kicking inside the RMP and hit § 87(2)(b) who started screaming that she was hurt from the accident. As § 87(2)(b) would not get back inside, PO Altieri grabbed the handcuffs with one hand and § 87(2)(b) belt with the other hand. PO Altieri pulled § 87(2)(b) out of the RMP and “placed him to the floor” – § 87(2)(b) did not fall. § 87(2)(b) was kicking, screaming and yelling. PO Altieri restrained him using an “arm bar” – “when you place your hand underneath the defendant’s arms as they’re handcuffed to apply pressure.” PO Altieri never pressed § 87(2)(b) body or his face into the shards of glass at any point. § 87(2)(b) was kicking his legs out and trying to move away. PO Altieri subdued § 87(2)(b) and ESU arrived 2-3 minutes later. § 87(2)(b) was classified as an EDP and put inside an EDP bag. After he was transported to § 87(2)(b) a bag of cocaine was found inside the patrol car. PO Altieri was told by the Highway Unit to respond to the hospital. Upon arrival, § 87(2)(b) refused all IDTU tests administered by the Highway Unit. Everyone at the accident was eventually sent to the hospital as well.

PO Altieri later found out that § 87(2)(b) vehicle had been reported stolen 2 days prior – this was discovered after the arrest report was completed.

PO Coelho

PO Coelho, a 5’7”, 125-pound, § 87(2)(b) -old white female with brown hair, was interviewed at the CCRB on August 4, 2006 (encl. 23 A-B). On September 17, 2005 she worked a 1500x2335 tour but she left work early that day at 1805. Earlier in the day, she was assigned to patrol sectors ACD with PO Altieri. She never worked with PO Moreno that day. She was in uniform. Her memo book entries (encl. 22 A-C) indicate she was assigned to RMP 1843 and PO Altieri was the operator.

PO Coelho was not present for this incident whatsoever. She took ‘lost time’ and left work at 1805.

Sgt. Gibson

Sgt. Gibson, a 5'10", 220-pound, § 87(2)(b) old white male with brown hair, was interviewed at the CCRB on September 15, 2006 (encl. 25 A-B). § 87(2)(g)

On September 17, 2005, Sgt. Gibson was working a 1450x2347 tour and was likely the patrol supervisor that day. He could not recall who he was working with or his RMP number. He was in uniform. His memo book entries (encl. 24 A) state the following: "1902 10-53 (vehicle accident) 55th Street and Northern Boulevard."

Sgt. Gibson responded directly to the accident scene after getting a radio message from the duty captain. At the scene, EMS reported that one individual was seriously injured. PO Altieri explained to Sgt. Gibson how § 87(2)(b) and § 87(2)(b) had been apprehended. At some later point, PO Moreno radioed Sgt. Gibson and asked him to respond to the patrol car. For § 87(2)(b) safety, Sgt. Gibson and PO Altieri first attempted to push § 87(2)(b) back into the patrol car to get him to sit down by placing their hands on his shoulders. The officers told § 87(2)(b) "Sit down. We're going to take you out of the car." Sgt. Gibson never heard PO Altieri say, "Look at this fucking guy. He kicked the window out. Do you believe this shit?" Sgt. Gibson could not recall PO Altieri using any profanity at the scene. Sgt. Gibson could not recall PO Altieri ever calling § 87(2)(b) a "fucking piece of shit." The officers wanted to get § 87(2)(b) back inside so they could open the door and then remove him due to the broken glass everywhere. § 87(2)(b) refused to cooperate and had better leverage so the officers were unable to push him back. The officers decided to remove § 87(2)(b) through the window for his own safety. Sgt. Gibson and PO Altieri each grabbed an arm, pulled § 87(2)(b) out of the vehicle and placed him on the ground. Sgt. Gibson later said he was unaware whether § 87(2)(b) fell to the ground. When asked whether they pulled § 87(2)(b) by his handcuffs or his chin, Sgt. Gibson stated, "I wouldn't do something like that but I don't really recall exactly how we pulled him out." There was a lot of traffic traveling by at this time – "Northern Boulevard is very large" – and the officers held § 87(2)(b) until ESU arrived shortly thereafter. The officers did not push § 87(2)(b) into the glass on the ground. While on the ground, § 87(2)(b) was kicking his legs, thrashing his head back and forth and flailing and "jumping all around." EMS arrived and the officers put § 87(2)(b) in the back of the ambulance. Sgt. Gibson went to the hospital and while present requested the response of the duty captain. After the duty captain showed up, Sgt. Gibson went back to the stationhouse. Sgt. Gibson never observed any injuries on § 87(2)(b).

Captain Yaeger

Captain Yaeger prepared a letter to Internal Affairs (encl. 26 A-B) on September 17, 2005, which addressed "minor injury to a male prisoner within the confines of the 114th Precinct." The letter addresses the charges against § 87(2)(b) and § 87(2)(b) and includes a very brief summary of an interview with § 87(2)(b) and § 87(2)(b). It indicates § 87(2)(b) "suffered minor lacerations to his right cheek when officers placed him on the ground outside of the RMP in order to regain control of him." Captain Yaeger noted that § 87(2)(b) appeared to be still under the influence of alcoholic beverages or narcotics while his interview was conducted." § 87(2)(b) was treated at the hospital "by § 87(2)(b), who stated that stitches would not be utilized to treat the injury."

Medical Documents

Medical Records from § 87(2)(b) on § 87(2)(b) (encl. 27 A-X) indicate that § 87(2)(b) had an abrasion to his right cheek. He was admitted to head trauma. It appears that he might have psychiatric history. The nurse triage shows he was lethargic, had dried blood on face and had abrasions on his left leg and forehead. He was returned to police custody at § 87(2). His discharge papers state he was diagnosed with head trauma and methadone withdrawal. Another emergency service sheet states he had swelling to his head. He suffered no loss of consciousness. He was "restrained by PD and suffered a number of abrasions." He was given Librium and Ibuprofen and diagnosed with a minor head injury. CAT scan results were unremarkable and his chest X-ray was normal.

Police Documents

§ 87(2)(b) Arrest Photo

§ 87(2)(b) arrest photo (encl. 28 A) shows dried blood and a laceration a few inches in length on his left cheek. He appeared to have some spots of dried blood on his ears and nose as well. He appeared to have a red mark a few centimeters in length across the top left part of his forehead. It also appeared that he might have had a small contusion under his left eye.

Sprint

Sprint job § 87(2)(b) (encl. 29 A-I) indicates an anonymous male caller using a cell phone witnessed an accident involving 2-3 cars at 2016. Another male caller made the same report at 2018. Another anonymous male caller cited serious injuries at the location. Sprint job § 87(2)(b) indicates a female caller reported a 5-car accident caused by a Pathfinder at 2017. Sprint job § 87(2)(b) indicates that a male caller reported 1 vehicle was trying to leave the scene at 2019. Sprint job § 87(2)(b) indicates an anonymous male caller reported 3 injuries at 2017. At 2024, EMS was on the scene. Sprint job § 87(2)(b) indicates a person was pinned at the location. Two ambulances were requested at 2027 and a couple was found unconscious. ESU was requested to the scene at 2032 – indicates a bag was needed for an EDP. ESU truck 10 received the call. A radio message indicates that two individuals fled the scene and the driver was violent. At 2053, ESU requested another ambulance to the scene for EDP in custody. A sergeant requested a DARP for SUV with 2 flat tires. At § 87(2), the highway unit was told to respond to § 87(2)(b) for DWI.

Roll Call for the 114th Precinct

The tour 3 roll call (encl. 30 A-C) indicates that Sgt. Gibson was assigned to ‘FTO’. PO Altieri and PO Coelho were assigned to sectors ACD and driving RMP 1843. PO Moreno appears on the roll call as assigned to detail but his name is crossed out.

OCA Records

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b) Criminal Conviction History in Queens

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b)'s Criminal Conviction History in Queens

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

History of Substantiated Cases

PO Altieri and PO Moreno have never had any allegations substantiated against them at the CCRB (encl. 1 A-B).

DMV Records for License Plate on § 87(2)(b) Vehicle

The DMV records for license plate § 87(2)(b), the vehicle listed on the motor vehicle accident report as having been operated by § 87(2)(b) indicate that it is registered to § 87(2)(b) of Jackson Heights. It is a 4-door gray 1999 model Lincoln.

Conclusions and Recommendations

Officer Identification

§ 87(2)(b) identified PO Altieri by name. PO Altieri appears as the arresting officer on the arrest paperwork for § 87(2)(b) and § 87(2)(b). PO Altieri noted in his memo book at 1815 that he began working with PO Moreno. Sgt. Gibson appears on the complaint report as being the supervisor on the scene. All 3 officers acknowledge their interaction with § 87(2)(b).

Undisputed Facts

It is undisputed that § 87(2)(b) caused a major traffic accident while under the influence and then fled the scene along with § 87(2)(b). They were later apprehended and § 87(2)(b) was found to be in possession of a gravity knife and a controlled substance. While inside the RMP at the accident scene, § 87(2)(b) told PO Moreno to open the window and when PO Moreno refused, § 87(2)(b) kicked the window several times before breaking it and then placing his head out the window. PO Altieri and Sgt. Gibson arrived back at the scene and some time later PO Altieri pulled § 87(2)(b) out the RMP window. § 87(2)(b) went to the ground, lying on top of the broken shards of glass from the window. § 87(2)(b) was uncooperative and PO Altieri attempted to keep § 87(2)(b) on the ground. § 87(2)(b) was put in an EDP bag and transported to § 87(2)(b).

Disputed Issues

§ 87(2)(b), § 87(2)(g)

Credibility

§ 87(2)(b), § 87(2)(g)

His girlfriend told him she needed to go to the hospital and he admittedly told her to go on her own because § 87(2)(b) was more concerned about his own self-preservation. § 87(2)(g)

He threatened to break a police vehicle window and then kicked the vehicle window multiple times with the full intention of breaking it. Upon breaking it, he refused to listen to repeated orders to return inside. He admitted to lying to nearby pedestrians by telling them he had never been in trouble before while on the ground so that people would complain about the officers' conduct at the scene. He later refused to take any sobriety tests. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

In addition to that mentioned above for § 87(2)(b) she was carrying an illegal knife and had illegal drugs. During her conversation, however, she denied that she or § 87(2)(b) had any drugs § 87(2)(b). § 87(2)(b), § 87(2)(g)

She alleged that PO Altieri slammed § 87(2)(b) repeatedly against the ground and broken glass lying on it. § 87(2)(b) only alleged that he was held against the ground and glass with excessive force. She also alleged that PO Altieri told § 87(2)(b) he would "break both his arms" while § 87(2)(b) never made this allegation. § 87(2)(g)

§ 87(2)(g)

He also readily volunteered that PO Altieri might have used profanity at the scene § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Determination of Fact

§ 87(2)(b), § 87(2)(g)

Allegation A. PO Mario Moreno threatened § 87(2)(b) with the use of force.

§ 87(2)(b), § 87(2)(g)

Allegation B. PO Frank Altieri spoke obscenely and rudely to § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Allegation C. PO Frank Altieri used physical force against § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: